

**SENATE CHAMBER,**  
AUSTIN TEXAS, Wednesday, July 20, 1870.

Senate met pursuant to adjournment. President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Priest the reading of the journal was dispensed with.

Message from the House with its action, House bill No. 433, "An Act to release A. M. Nips from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas."

Also, House bill No. 350, "An Act for the relief of the Houston and Texas Central Railway Company."

Also, House bill No. 91, "An Act to organize, incorporate and aid the East Line and Red River Company of Texas."

**REPORT FROM STANDING COMMITTEES.**

Report from Committee on Judiciary :

COMMITTEE ROOM,  
July 19, 1870.

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 258, entitled "An Act to authorize supreme and district judges, district clerks and their deputies, and justices of the peace, to take acknowledgments of deeds and other instruments required by law to be recorded," have had the same under careful consideration, and I am instructed to report the accompanying substitute for said bill and recommend its passage.

M. PRIEST,  
Chairman of Committee.

On motion of Senator Priest the rules were suspended and report of committee and substitute for bill adopted. Rules suspended and bill read second time and passed to engrossment, and, on further motion, the rules were suspended and bill read third time and passed.

Message from the Governor :

EXECUTIVE DEPARTMENT,  
Austin, July 20, 1870.

Hon. DON CAMPBELL,

President of Senate :

SIR: I respectfully ask the withdrawal of my nomination of J. A.

Williamson to your honorable body for district judge of Twenty-eighth District.

EDMUND J. DAVIS,  
Governor.

On motion of Senator Pickett leave was granted.

Report of Committee on Judiciary :

COMMITTEE ROOM,  
Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred House bill No. 341, entitled "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier; the erection and maintenance of a frontier telegraph; the organization of the reserve militia, and the organization, arming and equipment of the State Guard," have had the same under careful consideration, and I am instructed by a majority of the committee to report it back with accompanying amendment, and recommend its passage.

M. PRIEST,  
Chairman of Committee.

House bill No. 341, amend caption to read as follows: "An Act providing for the issuance and sale of the bonds of the State for certain purposes therein named, and to provide for the payment of the interest thereon, and a sinking fund of two per cent.

Senator Priest moved suspension of rules to consider the report.

Yeas and nays taken :

Yeas---Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hertzberg, Parsons, Pettit, Priest, Rawson, Ruby, Saylor---13.

Nays---Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon---12.

Absent---Bowers, Hall, Mills---3.

The Senate refused to suspend the rules. Laid over under the rules.

Report of Judiciary Committee :

COMMITTEE ROOM,  
July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Judiciary, to whom was referred Senate bill No. 166, entitled "An Act to amend an act approved August 26, 1856, in reference to community property," have had the same

under careful consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

Report of Committee on Judiciary :

COMMITTEE ROOM,  
Austin, July 19, 1870.

The Hon. DON CAMPBELL,

President of the Senate :

Your Committee on Judiciary, to whom was referred House bill No. 323, entitled "An Act to incorporate the Bayou City Bank," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

M. PRIEST,  
Chairman of Committee.

Laid over under the rules.

Majority report from Select Committee read.

A majority of your committee to whom was referred Senate bill No. 11, entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated," together with the message of his Excellency, Governor E. J. Davis, returning said act to the Senate, the House where it originated, with his objections thereto, and asking that the Senate reconsider its vote thereon, have had the same under consideration, and herewith submit the following report :

Upon a careful examination of the act, and of the Governor's objections thereto, a majority of your committee find that the Eastern Texas Railroad Company was chartered in 1860, that section fourteen of its charter provides "That said company shall be entitled to all the grants, rights, privileges, benefits and immunities of an act to encourage the construction of railroads in Texas by donations of lands, approved January 30, 1854, while said act continues in force, subject to the conditions and requirements contained therein, and in any other general laws of the State, except as hereinafter provided."

Section fifteen provides "That the proviso in the twelfth section of the above mentioned act, which limits the benefits of the same to companies which shall construct and complete at least twenty-five miles of the road contemplated by their charters respectively, within two years after the passage of said act, shall not apply to the companies chartered by this act."

Section eighteen of said act provides "That nothing contained in the four preceding sections shall be so construed as to exempt said

company from complying with any of the conditions prescribed by said general act for the benefit of railroad companies in this State."

Section nineteen of said charter requires the company to have completed, equipped and in good running order at least fifty miles of their road within two years after the first day of July, 1860, and fifty miles additional every subsequent two years, and that if it fail it shall lose the benefits of the land grant, and shall also forfeit its charter.

If it should be held that the running of the statute against this company was interrupted by the breaking out of the war in the beginning of the year 1861, and that the statute could not again begin to run until the reinauguration of regular civil government within this State (a question believed not to be free from difficulty, but which it is not proposed, because not necessary, to elaborate or discuss here), then this company has neither forfeited its rights to land grants nor its charter, and the act under consideration would only have the effect to remove doubts as to the validity and vitality of the charter, and to extend the time within which work was to be completed. Under this view of the objects and effect of the act in question, it could not, of course, be held to be unconstitutional, for if the company has forfeited neither its rights to land grants nor its charter, an act so declaring and extending the time within which the work is to be completed, would but be in the natural and ordinary channel of legislative relief measures. But if the statute has run, and this company, by non-completion of sections of its road, as required by its charter, has forfeited its charter, it is still a living, subsisting corporation until its charter is declared forfeited by a judicial decree in a proceeding instituted by the State for that purpose. It may go on constructing its road, contracting and being contracted with, suing and being sued, until the State, should it see proper to do so, shall institute proceedings and have its charter declared forfeited. No such proceedings have been instituted, and no such forfeiture declared. So a majority of your committee submit said company is a living corporation, and entitled to corporate rights, privileges and immunities as such.

It is admitted, if it be held that the statute has run against this company, that the State may institute proceedings in the courts and have its charter declared forfeited. But the State is not bound to do this. She may, if she see proper, through her Legislature, waive the forfeiture; and if she should waive the forfeiture, the company would stand upon the very same ground as to its corporate rights and franchises that it would have occupied if it had gone on and complied literally with the requirements of its charter.

In the case under consideration a majority of your committee sub-

mit that the State has waived the forfeiture, if any ever existed; that she did so expressly through her Legislature by an act passed October 8, 1866; that she did so by the convention that framed the constitution, by a declaration passed January 9, 1869; that she seeks through the Legislature, in the bill under consideration, to again declare that she waives any and all forfeitures of this company's charter.

It is believed by a majority of your committee that there is no constitutional inhibition against the Legislature relieving incorporations against acts of forfeiture which they may have committed, especially when such acts of forfeiture affect only the State. Your committee are unable to arrive at the conclusion that section six of article ten of the State constitution contains any such inhibition. Whatever may be the true interpretation of that section of the constitution in its application to grants of land hereafter to be made by the State, it is not believed that it can be so construed as to prohibit the Legislature from relieving from or waiving acts of forfeiture committed by incorporations. Such legislative enactments do not make grants of land—they only relieve from or waive acts of forfeiture. The grants of lands and corporate rights in such cases had already been granted by antecedent existing laws.

An act of the Legislature making a grant of land is believed to be a very different thing from an act waiving a forfeiture of land. In the former case the grant, the right to the land, has its origin in the act, is created by the act, and dates from the time the act goes into effect; in the latter case the land had been already granted by and under pre-existing law, and the legislative act only waives any forfeiture of the land that might exist, and which might enure to the benefit of the State, if she did not see proper to waive it. It is not believed that such a waiver of forfeiture can, in any just sense, be held to be a grant of land.

But a majority of your committee propose to consider this section of the Constitution further, in its application to the provisions of this bill. The section is as follows:

“The Legislature shall not hereafter grant lands to any person or persons; nor shall any certificate for land be sold at the Land Office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres.” What does this section mean? and to what does it apply? Does it apply to the relief sought to be given by this bill? The convention that framed the constitution, passed or adopted a declaration “For the relief of the Eastern Texas Railroad Company.” Section one of said declaration provides, among other things, as follows: “Be it declared by the people of Texas, in convention assembled, that the time within which the

Eastern Texas Railroad Company are required to construct and put in running order fifty miles of their said road be, and the same is hereby extended until the first day of January, A. D. 1871, and all the rights, privileges and immunities conferred upon said Eastern Texas Railroad Company by the original act of incorporation of the same, and the subsequent acts amendatory thereof, and for the relief of said company be, and the same are hereby renewed and revived in favor of said company." If section six, of article ten of the constitution had contained a provision, that nothing in section six should be so construed as to deprive the Eastern Texas Railroad Company of the benefits of the railroad land grants, or to prohibit the Legislature from granting it any relief it might otherwise have granted, no one would then insist that this section stood in the way of this company's obtaining the renewal of its charter and the railroad land grants. But while the convention that framed the constitution, did not incorporate into section six such a proviso, that body did, it is submitted, in effect, explicitly declare in the declaration above quoted, that section six, of article ten of this constitution, was not to be so construed as to deprive the Eastern Texas Railroad Company of a renewal of its charter, and of the benefits of the railroad State aid land grants. And whether the declaration from which the above extract is quoted may, or may not be valid or subsisting law, it nevertheless throws, it is submitted, explicit light upon the effect intended by the framers of the constitution, to be given to section six. The framers of the constitution declare, in a solemn declaration, made simultaneously with the framing of the constitution, that the Eastern Texas Railroad Company shall have a renewal of its charter, and the full benefits of the railroad State land grants, notwithstanding section six of article ten of the constitution. Is not this, in effect, explicitly declaring that section six of article ten was not intended to operate, and should not be so construed, as to deprive this company of a renewal of its charter, and of the benefits of the land grants?

How then can it be held that section six deprives, or was intended to deprive this company of the privilege of having its charter renewed, and of the benefits of the railroad land grants, when the framers of the constitution, at the very time that they frame the constitution, expressly declare that this company shall have these benefits?

The true interpretation, it is submitted, is that section six was intended to operate as a future rule; and certainly it cannot operate upon things that the framers of the constitution declare it shall not operate upon.

It will be remembered that the convention declared in express

terms that the charter of this company should be renewed, and that it should be entitled to the benefits of the railroad State land grants. The act under consideration adopts this declaration of the convention, and ratifies and confirms what the convention declared should be done. Is it unconstitutional for the Legislature to ratify and confirm what the convention, when it framed the constitution, declared should be done? Under what principle of constitutional law can it be held that such a legislative enactment, with such an object, is unconstitutional?

For the reasons given, a majority of your committee find themselves unable to concur in the opinion expressed by the Governor in his message, that the provisions of this bill are in conflict with section six of article ten of the constitution. Your committee have failed, in their judgment, to discover any well grounded constitutional objections to the bill. They regard it as involving only a great question of public policy, and one that commends itself to the country. They, therefore, report the bill, together with the message of the Governor, back to the Senate, and recommend that the Senate, on reconsideration, do pass the bill notwithstanding the objections of the Governor.

E. B. PICKETT,  
THOS. H. BAKER,  
D. W. COLE,  
J. G. BELL.

Minority report of Select Committee on the veto message :

The Eastern Texas Railroad Company was chartered January ---, 1860. Section nineteen of said charter declares, "that when this company shall have equipped and completed, and in good running order, at least fifty miles of their road, within two years' time from the following July, and fifty additional miles every subsequent two years, said company shall then be entitled to the benefits of an act approved January 30, 1854, conferring a land grant of — sections to each and every mile of road," and also to the further "benefits of a loan from the special school fund amounting to ——— the said dollars per mile, approved August 13, 1856." The memorial prefixed to said Eastern Texas Railroad Company's bill, now before this body, states the fact "that in the year 1860 and 1861 twenty-five miles of said road were, according to its charter, put in running order, and that some thirty miles more of the line of said road were already graded, when the then acting Governor of Texas seized, appropriated and held the same until the close of the war," say to 1865. All the rights, immunities, privileges, etc., accruing to said company under this charter were of course forfeited. Notwithstanding, on the eighth of October, 1866, the Legislature of the State of

Texas confirmed the land grant of sixteen sections to the mile for the twenty-five miles of road already constructed, and confirmed the same grant of land per mile to each section of the road of twenty-five miles (instead of fifty), which should be constructed and put in running order as provided for by the charter. But it is a grave question whether the present constitution does not entirely inhibit that species of legislation by this Legislature, viz: of 1866. But aside from the validity of this relief, attempted to be granted by the Legislature, no work was done in the way of extending this road up to this time. We next find the representatives of this same road applying to the Convention of 1868 and 1869. On the fifteenth January, 1869, a declaration passed the Convention extending the time of completing fifty miles of said Eastern Texas Railroad Company to January 1, 1871, and conferring upon said company anew all the rights immunities and privileges of its original act of incorporation. The validity of this species of legislation by the Convention, is even more doubtful than the enactments of the Legislature of 1866. Besides, it is a fact worthy of note that, neither under the enactment of 1866, nor under this declaration, do we find this company able or willing to commence again active operations upon the road. In the meantime the Convention of 1868 and 1869. completes its labors, and proposes to the people a constitution which has been adopted, and under whose authority this present Legislature is now acting; and now again this E. T. R. R. Co., appears by its President and asks—what? Not that the time during the war shall not be allowed to run against said company—not that the time from the close of the war, 1865, to the present time, shall not be allowed to be counted against the company on account of any doubt as to the validity of the enactments in its favor by the Legislature of 1866. Or on account of the validity of any declaration in its favor made and passed by the Convention of 1868--69. There is no denial made of an entire forfeiture of all the rights, immunities and privileges of the original act of incorporation. There is no plea, nor could any be set up, of vested rights, for they were all contingent; but the demand is made that the declaration of the late Constitutional Convention for the relief of the E. T. R. R. Co., be and the same is hereby confirmed and amended, so as to confer upon said E. T. R. R. Co., all the rights, privileges and immunities conferred upon said company by the original act of incorporation; and that said act and amendatory acts be and the same are hereby *renewed* and *revived*. This, we submit, is tantamount to a new charter; at the same time it seeks to retain grants declared to be inconsistent with the new constitution. It was argued, when the bill was before the Senate, that the controversy, viz: whether corporations could re-



ceive grants which the constitution expressly denied to a person or persons, properly belonged to the courts? This view of the case seems plausible, but is, perhaps, specious. This course in the Legislature would intimate either first, a want of due reflection upon the subject matter of legislation; or, second, an attempt to forestall the action of the courts, by forcing a particular interpretation of the constitutional clause in question. We certainly appreciate railroads, and acknowledge that, as a means of civilization, their power has no equal. We would be glad that all our public domain could be granted to railroad companies who *would build* roads. Indeed we are of the opinion that alternate sections could be *sold*, and, if necessary, at a mere nominal price to secure roads; but we cannot agree with the majority of this committee to recommend the *revival* and *renewal* of the rights etc., of the original act of incorporation of this railroad company. Indeed, if this company be *revived* and *renewed*, then all the old forfeited charters which our present constitution seeks to dismiss from the docket of legislation, in justice might and ought to be *revived* and *renewed*. We are for a new system of railroading in this State. The constitution evidently contemplates a new era. Capitalists and live companies are watching the course of events here, but neither will invest until they are assured of hearty co-operation by the people, and a sound basis for future investment. For the above recited reasons, and especially those adduced in the veto message, we feel compelled to withhold our assent to the report made and subscribed to by a majority of this select committee, and would most respectfully present the above minority report, and ask that the same be spread upon the minutes of journal.

E. PETTIT.

Special message from the Governor by his private secretary:

EXECUTIVE DEPARTMENT,  
Austin, Texas, July 20, 1870.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to wit:

Isaac B. McFarland for Judge Twenty-ninth Judicial District.  
John Courtad for Director of the Penitentiary.

Respectfully,

EDMUND J. DAVIS,  
Governor.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 68, "An Act reviving the act incorporating the Galveston Dry Dock Company, and

the subsequent laws in relation thereto, approved February 16, 1855, February 7, 1853, February 8, 1858."

House bill No. 183, "An Act legalizing a special tax levied by military order."

House No. 7, "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases."

Senate joint resolution No. 10, concerning the supreme court libraries at Tyler and Galveston.

Bills and resolutions :

By Senator Hertzberg : "An Act to be entitled an act to amend an act to incorporate the Alamo Fire Association of San Antonio, Texas."

Read first time and referred to Committee on Judiciary.

On motion of eSnator Dohoney the rules were suspended to take up House bill No. 386, "An Act providing for the payment of the outstanding indebtedness of the several counties."

Bill read first time.

Rules suspended and bill read second time.

And, on motion of Senator Priest, it was referred to Committee on Judiciary, with instructions to report to-morrow.

Special order :

The hour for special order having arrived, to wit : Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas," bill was read second time.

And, on motion of Senator Priest, the bill with all other bills relating to the same matter, was referred to a special committee with instructions to report on Tuesday next at 11 A. M., and made special order for that hour.

The Chair appointed the following named Senators on said committee : Priest, Dohoney, Douglas, Broughton and Ford.

On motion of Senator Ruby the rules were suspended to take up Senate bill No 55, "An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and define the powers thereof."

Returned by the House with amendments.

House amendments to Senate bill 55 :

Section six, strike out the word "eight" and insert in lieu thereof the word "four."

Section seven, add at the end thereof, "provided that the Governor shall appoint a district attorney for said court, who shall hold his office until the next general election."

Section nine, in line one, strike out the words "there shall be appointed by said judge," and insert in lieu thereof the words, "there

shall be appointed by the Governor ;" and in line six insert the word "Governor" in lieu of the word "judge."

On motion of Senator Ruby the amendments were adopted.

Rules further suspended, read third time and passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,  
Austin, July 19, 1870.

Hon. DON CAMPBELL,

President of Senate :

Your Committee on Enrollment have examined and find correctly enrolled Senate bill No. 188, entitled "An Act granting certain real estate to the city of Austin," and also Senate bill No. 253, entitled "An Act to organize the county of Presidio," and to-day at 11 o'clock and 40 minutes A. M., presented them to the Governor for his approval.

B. J. PRIDGEN,

Chairman.

Under direction of the President the Secretary was instructed to inform the House the Senate had concurred in House amendments to Senate bill No. 55, "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

On motion of Senator Parsons, the rules were suspended to take up House bill No. 405, "An Act to prescribe the time of the annual meeting of the Legislature."

Bill read third time.

Yeas and nays taken :

Yeas---Mr. President, Baker, Bell, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor---16.

Nays---Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Shannon---11.

Absent---Pridgen.

Bill passed.

Under direction of the President, the Secretary carried to the House with amendments of Senate, House bill No. 139, "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Senator Parsons moved a reconsideration of the vote taken on House bill No. 405, and to lay the motion to reconsider upon the table.

Yeas and nays taken :

Yeas---Mr. President, Baker, Bell, Flanagan, Ford, Fountain,

Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—16.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Latimer, Pickett, Pyle, Rawson—11.

Absent—Pridgen.

Carried.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 405, "An Act to prescribe the time of the annual meeting of the Legislature."

On motion of Senator Pickett the rules were suspended to take up Senate bill No. 59, "An Act to incorporate the Sabine and Neches Mutual Insurance Company, of Sabine Pass."

Bill read second time. On further motion, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--27.

Nays--None.

Absent---Gaines.

Bill passed.

Under direction of the President, the Secretary carried to the House, with action of the Senate, Senate bill No. 65, "An Act to incorporate the Austin City Ice Company."

Also, Senate bill No. 26, "An Act to incorporate the Texas Military Institute"

On motion of Senator Parsons, the Senate went into executive session.

IN SENATE.

On motion of Senator Cole, the Senate adjourned until eight o'clock, P. M.

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SENATE CHAMBER,  
AUSTIN, TEXAS, Wednesday, July 20, 1870.

EVENING SESSION.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

On motion of Senator Fountain the rules were suspended to take up House bill No. 371, "An Act to authorize John G. Blankenship to erect a toll bridge over Tehuacana Creek, in the county of McLennan, Texas."

Bill read first time, and on further motion the rules were suspended and bill read second time; and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas---Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Shannon---24.

Absent---Pridgen, Saylor---2.

Excused---Clark, Bowers---2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up Senate bill No. 90, "An Act to incorporate the Sabine and Neches river and Pine Island Bayou Internal Improvement Company."

Bill read third time.

Yeas and nays taken on final passage.

Yeas---Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Pyle, Rawson, Ruby, Shannon---24.

Nays---Priest.

Absent---Saylor.

Excused---Bowers, Clark.

Bill passed.

On motion of Senator Baker the rules were suspended to take up Senate bill No. 106, a bill to be entitled "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of "The Western Texas and Pacific Railway Company."

Bill read third time.

Senator Priest offered the following amendment:

Amend by striking out section four entire, and insert:

Section 4. That nothing in this act shall be so construed as to grant, or revive a grant to any of the public lands of this State, which has been heretofore forfeited by a non compliance of said railroad companies, or either of them, with the terms and conditions of the charter.

Yeas and nays taken:

Yeas—Ford, Gaines, Hall, Hertzberg, Latimer, Pettit, Priest—7.

Nays—Messrs. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—19.

Absent—Bowers, Clark—2.

Amendment lost.

Senator Flanagan moved the final passage of the bill.

Yeas and nays taken.

Yeas—Messrs. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hertzberg, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—Gaines, Hall, Pettit, Priest—4.

Absent—Bowers, Broughton, Clark—3.

Bill passed.

On motion of Senator Mills the rules were suspended to take up Senate bill No. 145, "An Act to incorporate the Railroad Real Estate Building and Saving Association of Texas."

On motion of Senator Mills the amendments offered by the committee were adopted, and bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Yeas and nays taken:

Yeas—Messrs. President, Baker, Bell, Broughton, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—None.

Absent—Bowers, Clark, Cole, Evans, Latimer—5.

Bill passed.

On motion of Senator Douglas the rules were suspended to take up Senate bill No. 244, entitled "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville high school.

Report of Committee read and adopted.

Substitute, as reported, adopted, bill read second time and passed to engrossment.

Rules suspended and bill read third time.

Senator Hall moved a call of the Senate.

Call sustained.

Roll called; quorum present.

On motion of Senator Hall the call of the Senate was suspended.

The question recurring upon the passage of Senate bill No. 244, the bill passed.

On motion of Senator Pyle the rules were suspended to take up House bill No. 322, "An Act to incorporate the Red River County, Texas Agricultural and Mechanical Association."

Bill read first time, rules suspended, bill read second time; rules suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Boughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--25.

Nays--None.

Absent--Bowers, Clark, Latimer--3.

Bill passed.

On motion of Senator Priest, the rules were suspended to take up House bill No. 19, entitled "An Act to incorporate Pennington College.

Bill read first time.

Rules suspended, bill read second time, and on further motion the rules were suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas--Mr. President, Baker, Bell, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon--22.

Absent--Mills, Boughton--2.

Excused--Bowers, Clark, Latimer, Gaines--4.

Bill passed,

On motion of Senator Priest, the rules were suspended to take up House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas.

Bill read first time, rules suspended and bill read second time, and on further motion the rules were suspended and bill read third time and passed.

On motion of Senator Flanagan the rules were suspended to take

up Senate Bill No. 169, "An Act to incorporate the Comal Sanitary Association."

Bill read second time, and passed to be engrossed.

And on further motion the rules were suspended. Bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—26.

Nays—None.

Absent—Bowers, Clark, excused—2.

Bill passed.

On motion of Senator Flanagan the rules were suspended to take up Senate bill No. 14, "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," with House amendments.

House amendments to Senate Bill No. 14, strike out the name of "J. A. Bridgeland."

Amend section three, line five, after the word "bridge," insert "except railroad bridges."

On motion of Senator Flanagan the Senate concurred in the House amendments.

Senator Hall moved the Senate take up the business on the Speaker's table. Carried.

Senator Flanagan moved the Senate adjourn.

Yeas and nays taken:

Yeas—Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Pickett, Pridgen, Pyle, Rawson, Shannon—11.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Pettit, Priest, Ruby, Saylor—13.

Excused—Senators Bowers, Clark, Latimer, Gaines—4.

Senate refused to adjourn.

[General File.]

Senate bill No. 255.

Senator Flanagan moved a call of the Senate. Call sustained.

Roll called.

Absent—Senators Bowers, Clark, Latimer, Gaines—4.

On motion of Senator Ruby the call of the Senate was suspended.

Senator Fountain moved that Senate bill No. 255, "An Act creating the office of State engineer and general superintendent of public works and the duties thereof," be made the special order for Friday at 10½ A. M., and that it be continued from day to day until disposed of. Carried.



Report of Committee on Engrossed Bills:  
The Hon. DON CAMPBELL,

President of the Senate:

Your Committee on Engrossed Bills, having examined and compared Senate bill No. 186, "To incorporate a Bank of Discount and Deposit at Navasota, Texas"; also, Senate bill No. 196, "To incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same"; also, Senate bill No. 23, "To carry into execution the judgments and decrees of the late county courts, and to perfect the unfinished business of the same"; also Senate bill No. 201, "To prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy," and Senate bill No. 202, "Authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settler's claims of one hundred and sixty acres of land each, on payment of usual office fees and fifty cents per acre," find the same to be correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

On motion of Senator Ruby the Senate adjourned.

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SENATE CHAMBER,  
AUSTIN, TEXAS, Thursday, July 21, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present. Prayer by the Chaplain.

Pending reading of the journal, on motion of Senator Pyle the further reading of the journals were dispensed with.

Under direction of the President the Secretary carried to the House, with action of the Senate, House bill No. 421, "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county, Texas;" House bill No. 19, entitled "An Act to incorporate Pennington College;" House bill No. 322, "An Act to incorporate the Red River County, Texas, Agricultural and Mechanical Association;" House bill No. 371, "An Act to authorize John G. Blankenship to erect a toll bridge over Tehuacana creek, in the county of McLennan, Texas;" also, Senate bill No. 202, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims, of one hundred and sixty acres of land each, on payment of usual office fees and fifty cents per acre;" Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male